

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CHRISTOPHER SHAWN ROOKS,)	
)	
Plaintiff,)	
)	
vs.)	1:15-cv-00079-SEB-DML
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ON PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

After Defendant, the United States of America, moved for leave to file an Amended Answer and Affirmative Defenses to Plaintiff’s Complaint in the case at bar, Plaintiff Christopher Shawn Rooks, proceeding *pro se*, filed a response opposing that motion [Docket No. 13]. Within his response, Mr. Rooks also moved for summary judgment. The court subsequently granted Defendant’s motion for leave to amend its answer, but did not address Mr. Rooks’s request for summary judgment. We now summarily DENY without prejudice Mr. Rooks’s motion for summary judgment, consistent with Fed. R. Civ. P. 56 and Local Rules 56.1 and 7-1(a).

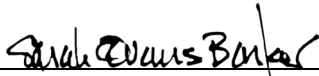
It is well-established that “pursuant to Local Rule 7-1(a), the Court will not consider a motion that is contained within a response brief.” *Slabaugh v. State Farm Fire & Cas. Co.*, No. 1:12-cv-01020-RLY-MJD, 2014 WL 1767088, at *6 (S.D. Ind. May 1, 2014). Because Mr. Rooks’s motion for summary judgment is contained within his

response to Defendant's motion to amend, it is not properly before the Court and can be denied on that basis alone. Mr. Rooks has also failed to comply with the requirements of Local Rule 56-1 and Fed. R. Civ. Pro. 56 by failing to designate any evidence or cite to any document to support his contentions. *See* Fed. R. Civ. Pro. 56(c)(1)(A) ("A party asserting that a fact cannot be or is genuinely disputed must support the assertion by citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations ..., admissions, interrogatory answers, or other materials."); S.D. Ind. L.R. 56-1(e) ("A party must support each fact the party asserts in a brief with a citation to a discovery response, a deposition, an affidavit, or other admissible evidence."). Mr. Rooks's failure to do so may in part be due to the fact that discovery has only just begun in this case, highlighting the prematurity of Mr. Rooks's motion.

For the foregoing reasons, Mr. Rooks's motion for summary judgment is DENIED without prejudice. The case shall proceed in accordance with the Court's Order Setting Case Management Deadlines [Docket No. 29].

IT IS SO ORDERED.

Date: 1/28/2016


SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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